

# **EXHIBIT GG**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

HACHETTE BOOK GROUP, INC.,  
HARPERCOLLINS PUBLISHERS LLC,  
JOHN WILEY & SONS, INC., and  
PENGUIN RANDOM HOUSE LLC,

Plaintiffs,

vs.

Case No.

INTERNET ARCHIVE and DOES 1:20-cv-04160-JGK  
1 through 5, inclusive,  
Defendants.

\_\_\_\_\_ /

-- ATTORNEYS' EYES ONLY --

VIDEOTAPED RULE 30(B)(1) AND 30(B)(6) DEPOSITIONS OF  
HARPERCOLLINS PUBLISHERS LLC, BY CHANTAL RESTIVO-ALESSI

Remote Zoom Proceedings

New York, New York

Wednesday, December 1, 2021

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

Job No. 4867798

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Videotaped Rule 30(b)(1) and 30(b)(6)  
depositions of HARPERCOLLINS PUBLISHERS LLC, BY CHANTAL  
RESTIVO-ALESSI, taken on behalf of Defendants, Remote  
Zoom Proceedings from New York, New York, beginning at  
10:31 a.m. Eastern Standard Time and ending at 6:58 p.m.  
Eastern Standard Time, on Wednesday, December 1, 2021,  
before Leslie Rockwood Rosas, RPR, Certified Shorthand  
Reporter No. 3462.

APPEARANCES:

FOR THE PLAINTIFFS:

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Also Present:

Andrew Jacobs, Esq. (HarperCollins Inhouse Counsel)

Tony Nokes, Videographer

Chelsea Gilchrist, Concierge

1 be consumers going less to libraries, you know. It could  
2 be so many things. Because they might go somewhere else,  
3 including Internet Archive. Who knows? Could be a lot  
4 of things.

5 Q. Okay. Okay.

17:18:50

6 So let's look at -- actually, strike that.

7 Did HarperCollins do any analysis of the growth  
8 rates for US library and the growth rates for US retail  
9 to determine whether there was a relationship between  
10 those two figures?

17:19:10

11 A. Yeah. I mean, this partly does it. So this  
12 looks at the retail trends on this format. So it looks  
13 at what was happening in eBooks, and then what was at  
14 retail and then what was happening in libraries. And  
15 clearly, they might be a piece of, you know, substitution  
16 going on here as well.

17:19:32

17 Q. Okay. Why do you say "clearly"?

18 A. Well, there might be. Not clearly. There might  
19 be there might be a piece of substitution because it's  
20 always hard to define specifically cause and effect,  
21 but --

17:19:49

22 Q. Okay.

23 A. -- it can be a contributor.

24 Q. Okay. What suggests to you that substitution is  
25 a possibility here?

17:19:58

1 A. Well, if you -- if you have one element going up  
2 and another one going down, and you have readers that are  
3 a finite number, you might think that they might  
4 substitute one with another. They might go to a library  
5 and not, you know, getting their eBook for free versus 17:20:18  
6 buying it.

7 Q. Okay.

8 A. But there's no -- you know, there's no factual  
9 analysis. It's just one inference one could make.

10 Q. Got it. Okay. 17:20:31

11 All right. Let's look at Exhibit 189.

12 A. 189. Whoops.

13 Q. So I don't know about you, but mine started  
14 scroll over to blank cells?

15 A. Yeah. Mine, too. That's why I was like what is 17:20:59  
16 this.

17 Q. Okay. Have you seen this document before?

18 A. Yes.

19 Q. What is it?

20 MS. STEINMAN: Could you just give me one 17:21:09  
21 second. I'm downloading.

22 MS. LANIER: Oh, sure. No problem.

23 MS. STEINMAN: Okay. I'm ready.

24 Q. BY MS. LANIER: Okay. What is this document?

25 A. This is sales in units again by title, of the 17:21:20

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1 STATE OF CALIFORNIA ) ss:

2 COUNTY OF MARIN )  
3

4 I, LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462, do  
5 hereby certify:

6 That the foregoing deposition testimony was  
7 taken before me at the time and place therein set forth  
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all objections  
10 made by counsel at the time of the examination were  
11 recorded stenographically by me, and were thereafter  
12 transcribed under my direction and supervision, and that  
13 the foregoing pages contain a full, true and accurate  
14 record of all proceedings and testimony to the best of my  
15 skill and ability.

16 I further certify that I am neither counsel for  
17 any party to said action, nor am I related to any party  
18 to said action, nor am I in any way interested in the  
19 outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name  
21 this 3rd day of December, 2021.  
22

23   
24

25 LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462